

**MONTANA PUBLIC SERVICE COMMISSION  
UTILITY DIVISION  
AGENDA NO. 04-11-23**

Date Published: November 28, 2004  
For Work Week Commencing: November 22, 2004  
Commission Meeting: November 23, 2004, 9:00 a.m.

General Introduction This agenda is the Commission's Utility Division agenda for the work week designated. In the later part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.state.mt.us>.

Place of Meetings All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.

Inquiries General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.

Accommodation for Persons with Disabilities Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.

**9:00 a.m. Weekly Scheduling** (Commission Conference Room)

**9:30 a.m. Business** (Bollinger Room)

**Public Comments**

**Action Items** All items identified below are for action at the Commission business meeting.

**Work Sessions** All items identified below are for Commission discussion or action on the day designated.

1. Universal Service Funding – Review and approve of draft letters that will be sent to our Congressional delegation regarding USAC accounting changes. (11/23/04)
2. D2004.11.77, D2004.11.181, D2004.11.180, D2004.11.179, D2004.9.147 – Qwest Corporation; Contact Communications, Multiband Communications, Blackfoot Communications, NorthStar Telecom, Z-Tel Communications – Discuss and receive direction on recently filed Line

Sharing Agreements and Qwest Performance Plus (QPP) Master Service Agreements. (11/23/04)

3. D2003.10.153 – Qwest - Discuss and get direction on procedure for Commission action on MCC-QCC Stipulation that was filed, and other related matters as necessary. (11/23/04)
4. PSC – Discuss generally various ideas and possible options for acquiring financial information from Qwest, and other related matters as necessary. (11/23/04)
5. Qwest – Discuss and act on Qwest’s petition for amendment of ARM 38.5.3339 and other related matters as necessary. (11/23/04)
6. L-04.07.5-RUL – ETC Rulemaking – Discuss and act on motion for continuance of rule hearing, other matters as necessary. (11/23/04)
7. PPL Montana market based rate filing at FERC - Discuss possible PSC intervention and potential scope of participation in FERC proceeding, including possible retention of a consultant. (11/23/04)
8. NorthWest Power and Conservation Council's draft Fifth Power Plan – Discuss draft of written comments on the Council's draft power plan. (11/23/04)
9. D2004.6.90 – NorthWestern Energy – Consider and act on NorthWestern Energy's objection to data requests submitted by Commercial Energy. (11/23/04)
10. D97.7.91 – PacifiCorp – Consider and act on motions for reconsideration filed by Montana Consumer Counsel and Plum Creek Timber. (11/23/04)
11. N2004.11.185 – Securities and Exchange Commission – Discuss and act on SEC's request for response regarding Black Hills Corporation. (11/23/04)
12. NorthWestern Energy Bankruptcy – Placeholder to report on and get direction on any matter related to the bankruptcy. (11/23/04)
13. Personnel/Budget – Consider: (1) employee pay request; (2) additional 1.0 FTE in PSC proposed budget; (3) general review of fiscal year 2005 budget, if needed; (4) related items as necessary. (11/23/04)

**Other Meetings**

Weekly Scheduling – Will be held at 9:00 a.m. on the day of the Commission Meeting

**Notice Items** All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.state.mt.us/PublicComment/PublicComment.htm>. Comments should reference the docket number of the matter.

**Protective Orders – Notice Items** The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person interested in seeking a copy of a protective order request should contact the Commission at 406-444-6199.

1. Qwest Corporation                      D2004.11.183                      (Monica)  
On November 15, 2004 the Commission received a Motion for a Term Protective Order from Qwest Corporation requesting a four year term protective order be issued to protect trade secrets that are periodically filed with the commission. Qwest files rate/cost comparisons with every new service or promotional offering and in response to follow up inquiry by the Commission on those offerings. Qwest requests a four year term protective order be issued for the rate/cost comparisons filed by Qwest in support of such filings.

**Protective Orders – Information Items** The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008.

**Information Items** All items identified below are for information only.

**New Filings Received in Past Week**

D2004.11.175 – Dan G. Wheeler – Dan G. Wheeler Complaint v. Wilder Resorts d/b/a Fairmont Hot Springs

D2004.11.176 - Qwest Corporation and NorthStar Telecom, Inc. - Application for Approval of Adoption of the Wireline Interconnection Agreement between Qwest Corporation and NorthStar Telecom, Inc.

D2004.11.177 - Qwest Corporation and Contact Communications - Commercial Line Sharing Agreement

D2004.11.178 - Qwest Corporation and Z-Tel Communications - Master Service Agreement

D2004.11.179 - Qwest Corporation and NorthStar Telecom - Master Service Agreement

D2004.11.180 - Qwest Corporation and Montana Wireless d/b/a Blackfoot Communications - Commercial Line Sharing Agreement

D2004.11.181 - Qwest Corporation and Multiband Communications LLC - Commercial Line Sharing Agreement

D2004.11.182 - Energy West - Montana Monthly Gas Cost Tracking Application for December 2004

D2004.11.183 - Qwest Corporation - Motion for a Term Protective Order for Rate/Cost Comparisons

D2004.11.184 - Qwest Corporation & CommPartners, LLC - Agreement for Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services, and Resale of Telecommunications Services

N2004.11.185 - Securities Exchange Commission - Request for Response regarding Black Hills Corporation

D2004.11.186 - NorthWestern Energy - 2005 Electric and Natural Gas Tax Tracker Filing